

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 18, 1978
6:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding. She announced that Councilmember Goodman would be absent for part of the meeting.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: None

INVOCATION

Reverend Louis Wozniak, St. Louis Catholic Church, presented the Invocation.

RESOLUTION IN RECOGNITION OF
RALPH ALLEN ABLANEDO

Chief of Police Frank Dyson, together with Sgt. Jerry Spain, President of the Austin Police Officer's Association, Sgt. Donald Kidd, and Sgt. Al Herson, stood together before Council to hear the resolution read by the Mayor. The resolution, signed by all Councilmembers, extended the sympathy of the Council to the family of the late Ralph Allen Ablanedo, and called on all citizens of Austin to join in recognizing his bravery in the performance of his duty; and expressed appreciation to all members of the Austin Police Department for their unselfish contributions in the protection of our community.

Chief Dyson stated to Council: "Mayor, members of the Council, on behalf of Officer Ablanedo's family, all the members of the Austin Police Department thank you sincerely for this Resolution. We are indebted to you for this pronouncement, we think it very fitting and it is deeply appreciated."

COUNCILMEMBER MULLEN BECOMES MAYOR PRO TEM

Mayor McClellan asked Councilmember John Trevino to join her and expressed her pleasure during the past four months watching Councilmember Trevino function as Mayor Pro Tem. She said that during his term, in addition to helping her in a meaningful way, he has also been actively pursuing a meaningful Sister City relationship with Saltillo, Mexico; and has also represented Austin in the International and National Sister City Association. As a result Austin has already had one Sister City conference and another is scheduled for the last weekend in May. The Mayor told Councilmember Trevino that all of the Council admire his dedication to the citizens of Austin. Councilmember Trevino thanked the Mayor and wished his successor(s) much luck.

Councilmember Mullen was then asked, by the Mayor, to join her, and formally recognized him as the Mayor Pro Tem for a term of four months. She asked Council to join her in giving him a warm welcome to his new duty. She then introduced Carole Mullen, his wife, and his daughter Misty. The Mayor then presented Mayor Pro Tem Mullen with a gift which had been left for him by his friends Bernard and Hermine Schneider.

Mayor Pro Tem Mullen told Council he appreciates the opportunity to serve in this capacity and hopes he can continue in the trend the previous three Mayor Pro Tem's have served. He said it gives them all great experience and thanks them for the opportunity.

AIA AND CSI MEMBERSHIP DAY

Mayor McClellan read a proclamation calling attention to the Symposium of Revitalization and Restoration which had been held May 8 and 9; and proclaimed May 19, 1978 as AIA & CSI Membership Day. On hand to accept the resolution with their appreciation, were Gerald Kelly, Tom Lassiter, and Kenneth New, who in turn, recognized Joe Brown and Allen McCrae, who were in the audience.

FOSTER GRANDPARENT WEEK

Foster Grandparent Week will be observed May 21-27, 1978, according to a proclamation read by Mayor McClellan. MR. OLIVER STRONG, the oldest grandparent, and MRS. CLARA HIPOLITO, the youngest grandparent, accepted the proclamation with their appreciation.

EDUCATION MONTH

The Month of May has been proclaimed Education Month, in a proclamation read by Mayor McClellan and accepted, with her thanks, by MS. WANDA BATES.

YOUTH EMPLOYMENT SERVICE WEEK

MS. JULIE SYKORA accepted with her thanks a proclamation designating the week of May 21-27, 1978, as Youth Employment Service Week, which was read by Mayor McClellan.

MUSEUM DAY

May 18, 1978, is Museum Day according to a proclamation read by Mayor McClellan and accepted by JEROME COLLINS with his appreciation.

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced that the following appointments might possibly be made at the next Council Meeting, May 25, 1978. They are:

- Joint Airport Zoning Board - 1
- Board of Adjustments - 1
- Building Standards Commission - 1 real estate broker
- On-Going Goals Assembly Committee - 1 member from Zone 8
- Parks and Recreation - 3
- Building Code Board of Appeals - 1
- Manpower Advisory Planning Council - 1
- Citizen's Board of Natural Resources and Environmental Quality - 1
- Vending Commission - 4
- Human Relations Commission - 1
- Commission on Status of Women - 2
- Board of Equalization - 3
- Urban Renewal Board - 3

She said she had announced other appointments to be made in June, earlier, and will not repeat them tonight.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for May 11, 1978, Council Meeting. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino
Noes: None

CONSENT MOTION ON RESOLUTIONS

At this point, Council took a consent motion on resolutions as follows: passed E.2., E.3.; postponed until May 25, 1978, E.4; pulled E.5 for discussion; pulled E.6 off the agenda; and passed E.7 and E.8. The motion, made by Councilmember Goodman and seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem
Mullen, Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Later in the meeting a vote was taken to reconsider the consent motion.

MESSAGE BUSINESS ORDINANCE

Mayor McClellan brought up the following ordinance for its second and third readings:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING THAT IT SHALL BE AN OFFENSE TO PRACTICE MASSAGE OR TO OFFER TO PRACTICE MASSAGE IN A MASSAGE BUSINESS ESTABLISHMENT WITHOUT FIRST HAVING OBTAINED A MASSAGER'S PERMIT; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Goodman moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan

Noes: Councilmember Goodman

Abstain: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE NORTH 50 FEET OF LOT 2, BLOCK 1, OUTLOTS 72 AND 73, DIVISION E, DRISKILL AND RAINEY SUBDIVISION, LOCALLY KNOWN AS 64 EAST AVENUE, AND ALSO BOUNDED BY RAINEY STREET AND RIVER STREET; FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Austin Professional Audio, C14-78-027)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen, Mayor McClellan, Councilmember Cooke

Noes: Councilmember Trevino

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

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PROVIDENT DEVELOPMENT COMPANY ET AL
C14-77-061

ZONING ORDINANCE - THIRD READING

Mayor McClellan brought up the following ordinance for its third reading:

780518-C

The ordinance was read the third time, and Councilmember Goodman moved that it be finally passed. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Mullen, Councilmember Trevino, Mayor McClellan
Noes: Councilmembers Himmelblau, Cooke
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

EMS QUALITY ASSURANCE TEAM APPOINTMENT

Councilmember Himmelblau moved that the Council appoint DR. ROY L. LEAMON as a member of the Emergency Medical Service Quality Assurance Team. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

MOTION TO RECONSIDER CONSENT MOTION ON RESOLUTIONS

Councilmember Trevino moved that the Council reconsider the consent motion on the resolutions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

RELEASE OF EASEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easement:

A five (5.00) foot Public Utility Easement adjacent to the rear property line of Lot 1, Brands Addition, locally known as 5803 Manor Road, Austin, Travis County, Texas. (Requested by Mr. John Lock, representing Mr. and Mrs. Andrew Nobles)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

CONTRACTS APPROVED

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

FECHHEIMER BROS., COMPANY
4545 Malsbary Road
Cincinnati, Ohio

- Trousers for Police and Fire Personnel,
Six Month Supply Agreement, Purchases
and Stores.
Items 1 and 2 - \$20,984.60

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

WHITE'S MINES	-	Aggregates, Public Works Department.
116 East Travis		12 Month Supply Agreement
San Antonio, Texas		Items 1 and 2 - \$98,250.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

ELECTROMAX INSTRUMENTS, INC.	-	CAPITAL IMPROVEMENTS PROGRAM -
14 Inverness Drive		Automatic Fault Recorders,
Englewood, Colorado		Electric Department.
		Item 1 - 3 ea. - \$64,454.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

KRUEGER ENGINEERING & MANUFACTURING COMPANY	-	Retubing Closed Feedwater Heaters
12001 Hirsch Road		#15 & #16, Decker Unit #1, and Heater
Houston, Texas		#46 on Holly Unit #4, Power Production
		Division.
		Items 1, 2 & 3 - \$377,084.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

NAMING OF PARK AND RECREATION CENTER
POSTPONED

Councilmember Trevino moved that the Council postpone until May 25, 1978, the naming of the park and recreation center located in the 2200 block of Alamo Street "Alamo Park and Alamo Recreation Center," (recommended by the Parks and Recreation Board); and refer this back to the Parks and Recreation Department to question why it is not recommended to name this after a particular person. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

PARK NAME TO BE RECONSIDERED

Councilmember Trevino moved that the Council reconsider naming that area located east of Parker Lane and north of Ben White Boulevard, presently called Southeast District Park, "Mrs. Alden (Mabel) Davis Park," (recommended by the Parks and Recreation Board); and send back to PARD for reconsideration of recommendation. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

ITEM PULLED FROM AGENDA
CHILD, INC.

Consideration of authorizing a change in the use of City funds for the FY 1977-78 contract for Child, Inc., was pulled from the agenda.

MORATORIUM FOR CLARKSVILLE

Councilmember Trevino moved that the Council adopt a resolution to authorize a 60-day moratorium of issuance of demolition permits and permits for new construction in that area of Clarksville designated as a National Register District. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

PUBLIC HEARING SET
PERMITS ON NATIONAL REGISTER DISTRICTS

Councilmember Trevino moved that the Council set a public hearing to consider amendments of Chapter 45 (Zoning Ordinance) authorizing the Historic Landmark Commission to review applications for permits to build or demolish within National Register Districts, for June 15, 1978, at 7:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen

Noes: None

RETIREMENT BOARD

The Council heard a report from Mr. Ed Golden, Chairman, Retirement Board, recommending support of legislation to establish a separate retirement fund for Police Civil Service Employees. Mr. Golden addressed Council by reading the following resolution which had unanimously been passed by members of the Retirement Board:

"The City of Austin Retirement Board has recognized that the Police Civil Service Employees of this City possess unique needs that are not presently being met by the City's Retirement and Pensioning System. For this reason, the Retirement Board recommends that the City Council support enabling legislation which will provide for the establishment of a separate retirement fund for Police employees. It is hoped that this goal can be achieved at the earliest possible date.

If the City Council elects to sponsor enabling legislation to provide for a new Police fund, it is recommended that the administrative costs for transferring and determining the asset valuation of the new fund be paid for by the City of Austin."

Mayor McClellan told Council that it would be appropriate to take action to show Council approval.

Motion

Councilmember Trevino moved that the Council approve the resolution of the City of Austin Retirement Board and direct the City Administration to proceed. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell

Noes: None

Mayor Pro Tem Mullen wanted it made clear that this includes that it would automatically pay the administration costs. Councilmember Trevino said that

since that was the request it is part of his motion. When Mayor Pro Tem Mullen asked if there is any idea how much this will cost, Mr. Davidson, City Manager, said that since the Council is directing the administration to proceed, they will be responsible to bring back to Council the proper ordinances or whatever is required to make the exact appropriations.

LATE PAYMENT FEES ON UTILITY BILLS FOR GOVERNMENT AGENCIES

MR. BRUCE TODD, Chairman, Electric Utility Commission, appeared before Council to give a report on consideration of charging government agencies late payment fees on utility bills. Mr. Todd said that a few weeks ago it came to his attention that governmental agencies are not being charged late payment penalties on utility bills. He said that Travis County and A.I.S.D. have paid their bills promptly in the past; other governmental agencies seem to be unable to do so and have experienced a record of late payments. Some of those figures involved in summary caption would be state agencies over the past year, \$528,000.00; Federal complexes, including Bergstrom, \$226,000; and the University of Texas, \$128,000 for a total of \$882,000.00. Mr. Todd said the Electric Utility Commission has reviewed the situation and based on a Legal Department memo that there's no prohibition against charging these customers, it is unanimously recommended to the Council that these changes be made in the future and that those customers be so informed. He said it appears that the no late penalty policy is totally without basis, in their opinion, and somewhat discriminatory. All the other customers ranging from very small to large ones like I.B.M. are all charged penalties if they pay late. The Commission feels that rather than being unduly burdensome to governmental agencies the implementation of the policy will restore more equity and treat all customers equally. Since administrative policies are the responsibility of the department head, Mr. Todd also personally requested that the Finance Department, which has oversight authority over the Utility Customer Service Office, might take it upon itself to review some of the policies involved and see if there are such things as this which are now in force.

Councilmember Goodman told Mr. Todd that he has revived a very relative question and made the following motion:

Motion

Councilmember Goodman moved that the Council direct the City Administration to work with the state agencies, first to negotiate some type of arrangement where they will pay their bills promptly, and also to discuss any questions that may be remaining with the Legal Department to pursue any avenues that there are in that regard. The motion was seconded by Councilmember Trevino.

Mayor Pro Tem Mullen said, "I think it would be good to clarify, Bruce, how you got the information, or the idea to begin with, because I think there's been a misconception by some that all at once this is a big surprise."

Mr. Todd answered that when the Commission was first getting started, they talked about a number of things and it was mentioned at that time that there are some problems with collection from governmental agencies. Since then, the

Commission has been busy with several items that took a great deal of time. About a month ago Mr. Todd got back to his notes and asked about the late payment policy for governmental agencies. He was told that even if the payment is late, it is not policy to collect penalties. He said this certainly was not something hidden by the City, and did not mean to imply this. Mayor Pro Tem Mullen said, "I am concerned the public may get the idea that..you know, neither you nor I or anyone else was trying to cover up anything. It's something that has been in force for 25 or 30 years." Mr. Todd explained that there is no one on the City staff who remembered when the policy occurred or why.

MR. RICH ELLMER, member of the Electric Utility Commission, told Council that early in February the City staff began looking into this problem and he does not know what level they got into before he and Mr. Todd became involved. He cited Ruth Barnes' investigative efforts because this situation involves a lot of money.

Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino
Noes: None

PARADE PERMITS GRANTED

Councilmember Trevino moved that the Council approve the request for a Parade Permit from CAROL LAWHON for Windsor Park Baptist Church, from 10:00 a.m. to 11:00 a.m., Saturday, June 10, 1978, beginning at Windsor Park parking lot, south on Cameron Road to Broadmoor, east to Beckman, north to Westmoor and all streets north thereafter to Wheelless between Berkman and Cameron Road. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem
Mullen, Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

At this point, Councilmember Goodman left the Council Chamber.

Councilmember Trevino moved that the Council approve the request for a Parade Permit from W. H. MCGREGOR, Department Adjutant, The American Legion, Department of Texas, for The American Legion Boys State, from 8:15 a.m. to 9:30 a.m., Tuesday, June 13, 1978, beginning from Martin L. King, Jr. Boulevard along Congress Avenue, proceeding south to State Capitol, circle Capitol on west and arrive at Capitol steps by marching up South Congress walkway from 11th Street. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Not in Council Chamber when roll was called: Councilmember Goodman

DISCUSSION OF RETIREMENT AGE
FOR POLICEMEN

MR. ALLEN L. BUSSLER appeared before Council to discuss the retirement age for Austin Police Officers. He eulogized the policemen and policewomen of Austin and requested Council to let them retire at age 55 with full benefits if they have 30 years service. Mayor McClellan informed him that in light of action already taken on this issue at tonight's meeting, his concerns have been met.

CONTRACT APPLICATION

MS. KAY KAISER appeared before Council to request funding for exploiting of a grief study and for expansion of therapeutic study. Mayor McClellan told her there is nothing Council can do in this area and suggested she take her request to MHMR. Councilmember Trevino explained to Ms. Kaiser the procedure for granting funds under the budget of the City. Upon Ms. Kaiser's insistence for an answer to her request tonight, the following motion was made:

Councilmember Trevino moved that the Council decline the request of Ms. Kay Kaiser for City funding for her project. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember
Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

ELECTRIC RATES FOR BILLS PAID APARTMENTS

MR. ARNOLD HAMMONS appeared before Council to discuss electric rates on all bills paid apartments. He said that the new electric rates are having a bad effect on tenants of all bills paid apartments. An example is the apartment where he lives. Beginning June 1, 1978, his rent will be increased by \$55.00 a month in order to cover the increase expected in electric rates. He asked Council to pass a motion to put the new electric rate in effect, but wait until the winter rates, when they are going to come down, not now. He said everyone who has apartments in the City where all bills are paid will have their rates raised next month, but when rates are lowered in the winter, he does not believe apartment owners will then reduce rents. Councilmember Trevino told Mr. Hammons that if Council could solve his problem, they would go down in history as the greatest Council ever. He pointed out that this Council has spent a great deal of time trying to make the rates equitable and fair as possible. Mayor Pro Tem Mullen asked Mr. Hammons to get together with Mr. Guymon Phillips of the Electric Department, Customer Service Department, for a further explanation of rates. Mr. Reed, Deputy City Manager, said Mr. R. L. Hancock, Director of the Electric Utility was also in the audience and would meet with Mr. Hammons, along with Mr. Bruce Todd. Mayor McClellan pointed out that the Council has nothing to do with rent control, but she said that Mr. Phillips, Mr. Hancock and Mr. Todd would help him understand the situation. Councilmember Trevino told Mr. Hammons that Council sympathizes with him.

REQUEST FOR CABLE TV FRANCHISE

MR. LUCIUS MOORE, JR., appeared before Council to request a change in the requirement for a cable T.V. franchise. He said he first appeared before Council in 1974 on this matter and was asked at that time to give a financial commitment of several million dollars in order to have a cable TV franchise. He wonders why Austin requires this.

Mr. Harris, City Attorney, said that from time to time his department has visited with Mr. Moore concerning his desire to operate a CATV system in Austin. He said there are two things about his request which differ with past practices. (1) Mr. Moore has requested a contract for less than a City-wide CATV system. The 1963 resolution of the City Council covering the policy of entering into contracts with people for CATV systems states that all systems shall be City-wide. (2) The resolution says the City may approve contract for CATV systems which have been negotiated by the City Manager and then presented to Council. As part of the process in talking to people who desire to present a contract for CATV systems to the City, it has always been the City's practice to check in to see if the person has the financial resources and backing, credit, etc., to enter into a venture which is quite expensive. Mr. Harris said that at one time during his discussions with Mr. Moore, he had referred the City to the Small Business Administration of the United States government who Mr. Moore had indicated might finance him in this particular venture. Mr. Harris said they followed up by writing to Washington, D. C., Miss Pat Jacobs, Assistant Minority Counsel, Small Business Administration. Miss Jacobs called the City Attorney's office and told them her department would be unable to help Mr. Moore in this particular venture. In answer to Mr. Moore's question if the current Council will continue the policy set by the previous Councils, Mr. Harris replied that it is up to them.

Councilmember Snell asked Mr. Moore if he had investigated the procedure followed in other cities. He said he had, and that not all cities inquire into an applicant's financial condition. Mr. Harris asked him which cities, and Mr. Moore replied, "Atlanta, New Orleans, Gary, Indiana." Mr. Harris told Council that his office would be glad to draft a contract in negotiating with Mr. Moore without that information if that is the Council's desire. Councilmember Snell said he would like the Legal Department to check to see if there are other cities that issue contracts without financing. If this is possible, Mr. Snell said, he would like to lend Mr. Moore as much support as he can. He pointed out that this is an example of the difficulty of minority contractors bidding when they don't have the financial backing. Mr. Harris said he would check with the cities cited by Mr. Moore, and determine what their requirements are and if they have successfully financed an operation, he will try to determine how they have done it. It was decided that Mr. Moore would visit with Mr. Harris the next day about this matter.

PUBLIC HEARING ON ALTERNATIVE USE
OF PARK LAND

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on the alternative use of park land, South 1st Street and Riverside Drive. No one appeared to be heard. Councilmember Snell asked Mr. Joe Ternus, Director of Urban Transportation the following questions:

1. In your opinion is there any feasible alternative to the use of this park land for an additional right-of-way which would enable a right turn lane to be constructed as indicated?
2. In your opinion has all reasonable planning been undertaken to minimize any harm to use of this land as a park?

Mr. Joe Ternus answered "No" to the first question and "Yes" to the second.

Motion

Councilmember Snell made a motion to close the public hearing and have it the finding of the City Council that there is no feasible and prudent alternative to the use of this land for an additional right-of-way which would enable a right turn lane to be constructed, that this project includes all reasonable planning to minimize harm to such land in the park and approve the project. Mayor Pro Tem Mullen seconded the motion, and roll call showed the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Himmelblau, Mayor Pro Tem Mullen
Noes: None
Not in Council Chamber when roll was called: Councilmember Goodman

AUSTIN HOUSING ORDINANCE

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on an amendment to the Austin Housing Ordinance. Mr. Lonnie Davis, Director, Building Inspection, appeared before Council to state that the amendment the Council has before them is the result of a committee report made by the Chairman of the Building Standards Commission some two weeks ago. He said that there are 13 changes to the ordinance and he feels that this is mainly housekeeping language that will not change the ordinance. He said this generally means the manner in which the ordinance is enforced and that 4 or 5 of the changes are of some concern to the Apartment House Owners Association and they would like to discuss them further with the Building Standards Commission.

Motion

Councilmember Himmelblau made a motion to send the ordinance amendments back to the Building Standards Commission for another hearing. Councilmember Cooke seconded the motion.

MR. JACK EVANS, President of the Hyde Park Neighborhood Association, appeared before Council to say that he is concerned with the part of the ordinance dealing with the demolition and relocation of buildings. He requested that the Council instruct the City Attorney to supply additional criteria for demolition or relocation. He said the criteria should be that "the removal of a building in a neighborhood will not cause a significant economic or aesthetic loss to the surrounding land owners."

Mayor McClellan asked Mr. Davis if Mr. Evans should go to the Building Standards Commission with this request also, and Mr. Davis said he should.

Friendly Amendment

Councilmember Cooke offered a friendly amendment to include a study of the demolition and relocation criteria when the ordinance is sent back to the Building Standards Commission. Councilmember Himmelblau accepted the friendly amendment, and roll call showed the motion carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

WILLIAMSON COUNTY MUD BOND SALE

Council had before it for consideration approval of interest rates, terms and other conditions on the sale by Williamson County Municipal Utility District No. One of \$2,170,000.00 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1978.

MR. KIRKE H. JEFFREY, Secretary, Williamson County Municipal District Board, appeared before Council to state: "I'm here tonight to ask Council to give final approval to our bonds and the interest rates and the terms. For the people who aren't aware...when our district was originally created, the creation contract required the district to come back to Council every time we issued bonds, for preliminary approval, which was done September 29th of last year. Due to the extreme efficiency of the Department of Water Resources of the State of Texas, it was over five months before they gave approval for us to issue the bonds and so here today we had an official bond sale. I do believe our district counsel, Bert Hooper, has distributed information to all Councilmembers on this. It would be an understatement to say the interest rate of 6.1398% is very pleasing to this board because in April of 1975 the first bond issue, we had a 9.28% average. The Municipal Index of Moody's at that time was 6.65%; this last week it was 6.64% and we have been given this rate by competitive bid. If it is the pleasure of the Council, we would like the Mayor to sign these two bid forms for our own records and one to send to Southwest Securities Corporation."

Mayor McClellan called on Mr. Norman Barker, Finance Administrator, for his advice and counsel. Mr. Barker told Council, "The primary function of the City of Austin is to insure to the City that the District will not issue discount

bonds and owe a debt that is in excess of the assets they put in the ground, also assurance to the City Council that the construction assets will be inspected by the City of Austin and their quality assurance, to the extent that we can, will be given. Finally, that some of the stipulation the City has that the bonds will be callable within ten years and the interest rates be satisfactory to the City of Austin, and assurance that in the event the City of Austin does annex this territory that the debt will be palatable to the City of Austin; and they certainly are good bids."

Councilmember Himmelblau moved that the Council adopt a resolution to approve the interest rate of 6.1398%, terms and other conditions on the sale by Williamson County Municipal Utility District No. One of \$2,170,000.00 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1978, to Southwest Securities Corporation and Associates, and authorize the Mayor to sign the official bid form. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

PROPOSED ZONING ORDINANCE AMENDMENT

Councilmember Trevino proposed to Council consideration to amend the Zoning Ordinance to expand the area excepted from the off-street parking requirement. He said that several Councilmembers have been approached by business men requesting expansion in the Central Business District, and asked for this matter to be referred to the Planning Commission for review and recommendation to Council the maximum boundaries which can be expanded for the Central Business District.

Councilmember Trevino moved that the Council approve referral to the Planning Commission for review and recommendation possible expansion of the area excepted from the off-street parking requirement. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

BRACKENRIDGE HOSPITAL ADVISORY BOARD

Mayor McClellan discussed the role, composition and size of the Brackenridge Hospital Advisory Board. She referred to her memo wherein she suggested seven with a maximum of nine members on the Board. She said she had suggested they study fiscal management, facility planning, physicians groups, etc., with expertise necessary for this Board, but not limit by designating specific slots so that they would not have the flexibility of obtaining the most outstanding community leaders to serve on the board. Councilmember Himmelblau said she would like to see the maximum set at nine, and stipulate that when a physician is appointed from the Travis County Medical Society, that he practice primarily at Brackenridge Hospital.

Councilmember Cooke stated: "I'd like to make a comment in discussion that in light of what we have done with regard to Brackenridge and certainly the consideration that the Mayor has proposed here about enhancing our responsibilities, I just want it recorded for the record that this doesn't tie us to any permanent consideration and we can still consider other options at future dates like a hospital district."

Motion

Councilmember Himmelblau moved that the Council set a nine-member Brackenridge Hospital Advisory Board, with no members from a specific slot; appointments to be made June 8, 1978, for both the Brackenridge Hospital Advisory Board and the Medical Assistance Program for the Indigent. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan

Noes: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

Mayor McClellan asked Mr. Harris, City Attorney, to revise the ordinance for the Hospital Board from 12 to 9 members, and look into what action Council should take to establish the Medical Assistance Program for the Indigent.

MANDATORY RETIREMENT AGE

Mr. Homer Reed, Deputy City Manager, asked Mr. Jimmie Flakes, Personnel Director, to point out anything Council needs to do to bring the necessary ordinances back to Council for implementation. Mr. Flakes said that the basic recommendation is that Council raise the retirement age from 65 to 70.

Mayor McClellan said, "I personally have favored the no mandatory retirement age, at the same time having the incentive for the early retirement, having the evaluation has got to go on with employees, but I myself would vote against such a recommendation because I think we should have no mandatory retirement age. From what I can tell from the facts of economics, it is not going to have a negative impact." Mr. Reed said he would not try to dissuade the Mayor's position, but wanted to point out that he would suggest this as a two-year interim program, at which time they would study the impact of extending the age beyond 70.

Motion

Mayor Pro Tem Mullen moved that the Council make the mandatory retirement age 70, and study the impact in two years. The motion, seconded by Councilmember Snell, failed to carry by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen,
Councilmember Snell

Noes: Councilmember Trevino, Mayor McClellan, Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

At the time of the vote, Mayor McClellan said: "I vote no and I want the record to reflect that I'm certainly in favor of raising it from 65 to 70, but I want no mandatory retirement age and I'm voting No on this motion."

Motion

Mayor Pro Tem Mullen moved that the Council have no mandatory retirement age. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmember Trevino, Mayor McClellan,
Councilmembers Cooke, Himmelblau

Noes: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Goodman

REVIEW OF ELECTRIC UTILITY CONSTRUCTION PROGRAM
UTILIZING "PESSIMISTIC COSTS" CRITERIA

Mr. R. L. Hancock, Director of the Electric Utility Department, stated that in January of this year they presented an assessment of the generation plan as was directed by the Council. Subsequently, the assessment went to the Electric Utility Commission where public hearings on the matter were held. Mr. Hancock indicated that the Commission asked for many supplemental studies and responses to specific questions. He stated that there had been anxiety in some people's minds with respect to the costs used in the January study. Mr. Hancock stated that in response to this and to check the validity of some of the decisions, a pessimistic costs study was initiated. He stated that they had increased the cost of the South Texas Nuclear Project an additional 30% over what the project is currently estimated, to \$245,000,000. They increased the price of uranium from \$50 per pound in 1980 to \$75 per pound. Mr. Hancock stated that they decreased the capacity factor of the plant from 67% to 59% as mentioned by some of the people in the public meetings.

With regard to the Fayette Power Project, they re-evaluated the freight charges on transportation of coal. Subsequent to the study, Houston Lighting and Power Company received an I.C.C. (Interstate Commerce Commission) rate tariff of \$15.60 per ton and this rate was utilized in the study. Mr. Hancock stated that they increased the price for the Decker coal and updated the coal costs for the ARCO coal, as well as possible in view of the recent United Mine Workers (UMW) contract settlement. He pointed out that ratepayers would be most impacted by the cost increases.

Mr. Hancock stated that they looked at the base plan of 550 MW (megawatts) at Fayette and 400 MW at the South Texas Project. He stated that they considered the following three alternatives:

1. A reduction at the South Texas Project of 100 MW.
2. Elimination of the South Texas Project and replacement of 400 MW of lignite.
3. A reduction at Fayette of 150 MW and a reduction at the South Texas Project of 100 MW, with a replacement of 250 MW of lignite in 1988.

Mr. Hancock pointed out that the study has indicated that if the South Texas Project is reduced from 400 MW to 300 MW and Fayette is left as it is, under the pessimistic criteria the cost differential in favor of the current base plan is \$144,000,000. This means that over the next 15 years, the rate-payers will have to pay \$144,000,000 extra in revenues as a result of fuel costs. Mr. Hancock stated that this compared with the January figure of \$167,000,000 and that the pessimistic criteria did reduce the advantage. He stated that if the South Texas Project is eliminated and replaced with lignite in 1988, the cost difference between the current base plan and the new plan that eliminates South Texas Project and replaces it with 400 MW of lignite, would cost the ratepayer \$404,000,000 over a 15-year period. Mr. Hancock stated that with the reduction of both coal and nuclear generation, and with the replacement of 250 MW of lignite in 1986, the cost differential is much smaller. In response to a question from Councilmember Cooke, Mr. Hancock stated that 1986 was picked because in one of the studies that was the most economical of the lignite applications.

Mr. Hancock stated that the study that eliminates the South Texas Project reflects about a 15% cost increase in rates after the crossover point is reached. He stated that the present worth studies reflect the same sort of relative relationship between the base plan and the alternative plans. He stated that the figures, as they relate to accumulative cost differences, are total system numbers as opposed to present worth numbers for a generation plan.

Councilmember Himmelblau asked if the program would be discussed during the C.I.P. hearings. Mr. Hancock stated that he would be most pleased to discuss the program with the Council at whatever time is most convenient. Councilmember Cooke asked Mr. Hancock if the indicated costs were pessimistic for both Fayette and South Texas Projects. Mr. Hancock indicated that the costs were pessimistic across the board. In response to a question from Councilmember Cooke as to why this was done, Mr. Hancock made the following statement:

"Generally speaking, if you are going to get a worst case condition in one area you are going to get it in the other area too. You could make an alternative study that looked at the November criteria or the January criteria for coal and the pessimistic criteria for nuclear, and we have...I happen to have with me some charts that do display that. You know, that variation if you're interested in it. Just from recollection, if we presume the cost of the nuclear plant to remain at its present cost, the price of nuclear fuel could go to some little over \$300 per pound. If we allow the plant to escalate 40%, if I recall correctly, the price of nuclear fuel could go to about \$100 per pound. I'd be happy to pull that and discuss it if you'd like to discuss it in detail. Those sensitivity studies really confirm the results of both of these and although it's not clearly addressed it does address the combination of normal coal prices and pessimistic nuclear prices. If Council wishes, we could make a detailed study in that area. It really wouldn't take but a week to do it."

Councilmember Cooke indicated that he would be interested in seeing the study.

EMPLOYEE ATTITUDE SURVEY

Mr. Jimmie Flakes, Personnel Director, said that it is recommended Council conduct an attitude survey of employees, and that there should be a task force to develop the strategy that might be used and utilize professional assistance in developing and administering the survey. Results should be reported back to the employees of the City of Austin.

Councilmember Trevino asked how much it will cost. Mr. Flakes said they have no figures, but the survey could cost \$25,000 if administered solely by an outside organization, but could cost less if more staff time and less outside consultant time was used. Councilmember Trevino asked, "If this were totally in-house, how much staff would this tie up?" Mr. Flakes said they really don't know. In answer to Councilmember Trevino's question as to how long it would take to conduct the study, Mr. Flakes replied that he had no idea. Councilmember Trevino remarked, "We really don't know how much it is going to cost, we don't know how much staff it's going to require, and we don't know how long it's going to take." "That's right," said Mr. Flakes, "we've not had any experience with an attitude survey." Mr. Reed told Mr. Trevino that today's report is a status report of where we are on this subject after Council suggested such a survey might be made. He said that staff will come back with a specific recommendation on professional services with a cost break-down and additional details that they will need in order to make a decision. Mr. Flakes said that in order to answer Mr. Trevino's questions, they would have a task force that would develop the purpose and the means for conducting an attitude survey. From that information it would be decided whether or not to solicit bids from consultants. If they did, then they would come back to Council with the answers to the questions posed today.

Councilmember Trevino said, "Assuming the Council approves this, what would we get out of it? What would be the result after we spend money, time and personnel...would we have less dissatisfied employees? Is there any way we can measure some kind of a return?" Mr. Flakes said that from a survey one can derive improved employee morale as a result of doing some things based on information obtained in the survey. Quentella Cole, Personnel Department, told Council that they have never done a survey to find out what employees want with a comprehensive look on how employees feel about a number of issues. She said they think an attitude survey would help address some of those things. At this time, she said, they do not want a definite commitment for funds for the survey. Councilmember Cooke pointed out to Council that his employer, Texas Instruments, has benefited its employees immensely by conducting attitude surveys.

(At this point, Councilmember Goodman returned to the Council Chamber.)

Councilmember Cooke moved that the Council vote to proceed and come back with alternatives as soon as possible. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: Councilmember Trevino

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for Public Hearing before City Council on June 29, 1978:

THOMAS T. SMITH By William T. Bray C14-78-057	Middle Fiskville Road	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
NUMEROUS OWNERS (By City of Austin) C14-78-064	Bounded to the south by Martin Luther King Boule- vard to the west generally by Springdale Road, North- east Drive, Manor Road and bounded to the east by Ed Bluestein Boulevard (U.S. 183)	From Interim "AA" Residence 1st Height and Area To Appropriate zoning.
UNIVERSITY VILLAGE LTD. By John Hightower C14-78-065	706 and 708 West 23rd Street	From "B" Residence 1st Height and Area To "LR" Local Retail 3rd Height and Area
J. MARVIN AND JANELL BASEY C14-78-066	8718 Leisure Drive	From Interim "AA" Residence 1st Height and Area To "A" Residence 1st Height and Area
HENRY S. MILLER REALTY TRUST C14-78-071	5813 Berkman Drive	From "GR" General Retail 1st Height and Area To "C" Commercial 1st Height and Area
EDWARD AND TED WENDLANDT By Avery Murrah C14-78-086	9401-9423 North Lamar 500-700 West Rundberg Lane	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
EL CHICO REALTY CORPORATION By Jack H. Brown C14-78-087	2610 South IH 35	From "GR" General Retail 1st Height and Area To "GR" General Retail 2nd Height and Area
RAYMOND E. THOMAS By Jones & Norris Inc. C14-78-088	11801-11929 Angus Road 5208-5214 Duval Road 5209-5215 Bull Run	From Interim "AA" Residence 1st Height and Area To "A" Residence 1st Height and Area
LEON A. SCHMIDT CHILDRENS TRUST #1 C14-78-089	9201-9213 Old 183 9398-9408 New 183	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area (as amended)

LEON A SCHMIDT CHILDRENS TRUST #1 By Robert Schmidt, Trustee C14-78-090	4504-4509 Celeta Lane 4502-4500 Celeta Lane 4507 Celeta Lane 4507 Celeta Lane 10109-10409 U.S. 183 10513-10605 U.S. 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area (depth of 150 feet from Highway 183), "C" Commercial 1st Height and Area (balance of depth) (as amended)
ROBERT T. MAYFIELD By Ray Wilkerson C14-78-091	8108 Mesa Drive	From "LR" Local Retail 1st Height and Area To "GR" General Retail 1st Height and Area
ROBERT L. HASLER By E. B. Nail C14-78-092	13900 US 183 13100 FM 620	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
CLAUD A. MARTIN By John Treadwell C14-78-094	1301 Rio Grande, also bounded by West 13th	From "O" Office 2nd Height and Area To "LR" Local Retail 2nd Height and Area
TEXAS COMMERCE BANK, ET AL By Jay C. Tapp C14-78-095	Parker Lane, East St. Elmo Road, IH 35, Woodward Street and San Marino Drive	From Interim "A" Residence 1st Height and Area To "C" Commercial and "BB" Residence 1st Height and Area
JULIA JOSEPH SAWYER By Donald Grissom C14-78-096	2700 Congress Avenue 100 Cumberland	From "C" Commercial 2nd Height and Area To "C-2" Commercial 2nd Height and Area
MARTIN B. LIVELY By Dana Hendrix C14-78-097	8411 North IH 35	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
THOMAS G. BRADFIELD AND PAUL S. WAKE- FIELD C14-78-098	501-603 Stassney Lane	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area District
A.L. MOYER AND VINCENT MOYER C14-78-099	1803 West Avenue	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area

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NAOMI SIMER WELCH
By Elizabeth Swenson
C14-78-100

1710 Fort View Road

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

LAWRENCE A.
SCHRADER, JR.
By Tom Curtis
C14-78-101

3404 Exposition

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

W. W. PATTERSON,
TRUSTEE
C14-78-102

829-857 Anderson Lane
901-911 Anderson Lane

From Interim "A" Residence
1st Height and Area
To "C" Commercial
2nd Height and Area

MORRIS LANE
PARTNERS
By Joe Thompson
C14-78-103

6403-6615 Johnny Morris
Road
6507-6615 Loyola Lane

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area

SEEKATZ HOUSE
By City of Austin
C14h-78-016

1101 West 31st Street

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area

DENNY-HOLLIDAY
HOUSE
By A. L. Moyer
C14h-78-017

1803 West Avenue

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area

GILBERT-DOGGETT
HOUSE
By City of Austin
C14h-78-020

1402 West Avenue

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area

MEETING ADJOURNED

The Council Meeting was adjourned at 9:20 p.m.

APPROVED

Carole Lee McCallen
Mayor

ATTEST:

Frank M. Moman
City Clerk